

# HOUSE BILL No. 1391

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-23-26.1; IC 7.1-4-10-3; IC 7.1-5-7-8.

**Synopsis:** Penalties for sale of alcohol to minors. Makes it a Class A misdemeanor instead of a Class C misdemeanor for a person to recklessly sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor. Provides penalties on a progressive scale for retailer and dealer permittees for subsequent violations of recklessly supplying minors with alcoholic beverages.

**Effective:** July 1, 1999.

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**Sturtz**

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January 12, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1391

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 7.1-3-23-26.1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.1. (a) A retailer or  
3       dealer permittee who violates IC 7.1-5-7-4 or ~~IC 7.1-5-7-8~~ **IC 7.1-5-7-9**  
4       through IC 7.1-5-7-13 may be fined, have his permit suspended, or be  
5       fined and have his permit suspended, as determined by the  
6       commission; however, if the penalty imposed by the commission  
7       exceeds a fine and three (3) day suspension, the commission must issue  
8       written findings of fact and conclusions which show the necessity of  
9       the penalty. If the retailer or dealer permittee commits a subsequent  
10      violation of the provisions listed in this subsection within twelve (12)  
11      months of the first violation, the commission may fine the permittee,  
12      fine him and suspend his permit, or revoke his permit; however, if the  
13      penalty exceeds a fine and suspension of more than fifteen (15) days,  
14      the commission must issue written findings of fact and conclusions  
15      which show the necessity of the penalty.  
16      **(b) A retailer or dealer permittee who violates IC 7.1-5-7-8 shall**  
17      **be fined, have the permit suspended, or be fined and have the**

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1 permit suspended, as determined by the commission. However, if  
 2 a retailer or dealer permittee commits a subsequent violation of  
 3 IC 7.1-5-7-8, the commission shall fine the permittee and shall do  
 4 the following:

5 (1) After one (1) subsequent violation, suspend the permit for  
 6 ninety (90) days.

7 (2) After two (2) subsequent violations, suspend the permit for  
 8 one hundred twenty (120) days.

9 (3) After three (3) subsequent violations, revoke the permit.

10 If the penalty imposed by the commission under this subsection  
 11 exceeds a fine and three (3) day suspension, the commission shall  
 12 issue written findings of fact and conclusions that show the  
 13 necessity of the penalty.

14 ~~(b)~~ (c) The holder of an employee permit who violates IC 7.1-5-7-4  
 15 or IC 7.1-5-7-8 through IC 7.1-5-7-13 may be fined, have his permit  
 16 suspended, be both fined and have his permit suspended, or have his  
 17 permit revoked, as determined by the commission.

18 SECTION 2. IC 7.1-4-10-3 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~Deposit of Fines in~~  
 20 ~~Fund~~. The chairman shall deposit the monies realized from fines  
 21 imposed pursuant to the provisions of IC ~~1971~~, 7.1-3-23-2, in its  
 22 enforcement and administration fund to be used for the purposes  
 23 provided in this chapter. **However, the commission must use the**  
 24 **money received from fines imposed under IC 7.1-3-23-26.1(b) for**  
 25 **the enforcement of IC 7.1-3-23-26.1(b) and other laws concerning**  
 26 **the consumption of alcoholic beverages by minors.**

27 SECTION 3. IC 7.1-5-7-8 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) It is a ~~Class C~~  
 29 **Class A** misdemeanor for a person to recklessly sell, barter, exchange,  
 30 provide, or furnish an alcoholic beverage to a minor.

31 (b) This section shall not be construed to impose civil liability upon  
 32 any educational institution of higher learning, including but not limited  
 33 to public and private universities and colleges, business schools,  
 34 vocational schools, and schools for continuing education, or its agents  
 35 for injury to any person or property sustained in consequence of a  
 36 violation of this section unless such institution or its agent sells,  
 37 barter, exchanges, provides, or furnishes an alcoholic beverage to a  
 38 minor.

